Remarks by Homeland Security Secretary Michael Chertoff and Transportation Security Administration Administrator Kip Hawley at Ronald Reagan Washington National Airport on Secure Flight Final Rule

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Secretary Chertoff: I'm here to talk about the issuance of our new regulation for Secure Flight, which will take us to the next level in terms of screening with respect to watch lists, and I think make it easier for the traveling public as well as more secure for all Americans.

As you recall, in August 2007, we announced the notice for proposed rule making. A lot of public comment, we listened to the industry, we conducted a lot of different tests, we analyzed the process, and we're now pleased to announce that today we are issuing the final rule. The rule will increase security and efficiency, it'll protect passengers' privacy, and it will reduce the number of false positive misidentifications which, from time to time, cause stress and complaints. Remember, the ultimate goal here is to make it safe and secure for people to fly on airplanes. Let's not fail to remember not only September 11th, but all the prior occasions going back over previous decades -- Pan Am 103, TWA 867 -- where we've had hijackings and bombings. These have been a feature of aviation for decades, and obviously, this is our principal concern, is preventing that.

You'll also recall that Congress has mandated, within the Intelligence Reform and Terrorism Prevention Act, that we take this additional step to make sure that we are securing flight for everybody. So let me explain what the details of the new rule are, and I'm going to first tell you what the current system is and how we're going to change the system and how this is going to benefit you, the traveler.

Our current system takes a certain number of names that are on a watch list, a no-fly list, or a selectee list, and it sends them to the airlines. The airlines then compare the passenger names with the manifest of who is flying on their airplanes to determine whether people need additional screening or are going to be barred from flying. This system, because it relies upon the airlines to do the matching, results in two particular types of problems.

The first is, because we have false positives, people with similar names to individuals on the watch list or misspellings or variant spellings, it's often the case that passengers can't check-in online or they have to go to the ticket counter and deal with the airline in order to establish that they are not the person on the list. So that takes times and is inconvenient.

Secondly, each airline has its own system for doing the comparison between the manifest and the watch list. To be candid, some do it better than others. Some update their systems more regularly than others. And some of the systems differ. So the consequence is you get an inconsistent pattern of behavior on the part of the airlines, which again cause stress and inconvenience to the traveler.

So what is the solution to these two problems? Well, the solution to the problem of misidentification or false positive is to add a small amount of additional data so that we can differentiate between the individual whose name is X who belongs on the watch list, and the individual whose name is X who doesn't belong on the watch list. Under Secure Flight, when travelers make their reservation, they'll submit their name, their sex, their gender, and their date of birth, and then the aircraft operator will submit the itinerary. These additional data elements will allow us to separate the vast majority of false positives from the real people that we're concerned about. That's going to eliminate the traditional problem of somebody named John Smith who is not a terrorist, John Smith -- and who we can now differentiate because they have a different date of birth that will take them out of that false positive.

So that takes care of the first problem. The second problem is, how do we deal with inconsistencies among airlines? Well, the answer is, let's transfer the responsibility for doing the actual comparison, the screening, from the airline to TSA itself. Let's have the airline send us the manifest, and then we will do the comparison of the manifest with the watch list. So under Secure Flight, passengers will submit their information to airlines when they make reservations, airlines will submit encrypted information to TSA using secure data sources, TSA will compare

the passenger manifest information with the updated no-fly list and selectee list, and then we'll send the result back to the airline if there's a problem. That's going to eliminate the inconsistency. Again, it's going to help eliminate the false positives, and it's going to upgrade our security.

It's a great opportunity, since I've talked about the watch list both for selectee and no-fly, to dispel a myth about the size of this list. I'm constantly reading in the paper that there are hundreds of thousands of people on the no-fly list or the selectee list, maybe as many as a million people on the selectee list or the no-fly list. So I'm here to tell you that that is simply false. And for the first time, I'm actually going to tell you approximately what the real number is so you get an idea of what the actual dimensions of our challenge here are and what we're doing and what we're not doing with respect to the American public.

The truth is there are fewer than 16,000 -- that's one six -- 16,000 unique individuals who are selectees in TSA's database. Most of these people are not even American citizens. That's 16,000. One six. And being a selectee, if you are a real selectee, means you're going to get a little bit of extra scrutiny, but it does not bar you from getting on the airplane. Second, the actual number of people who are on the no-fly list, meaning that they are barred from flying under any circumstance, is less than 2,500, and only ten percent of those are American citizens. Again, less than 2,500 worldwide are actually no-flies, and ten percent -- less than ten percent of those are American citizens.

Now, let me put this in context. The fact that we're talking about a total of less than 20,000 unique individuals on this list does not mean that we only have 20,000 data entries. Because for each unique individual, we have to program a series of name variations, spelling variations, first name, middle name, transpositions of names, so the actual number of data items is larger than the less than 20,000 unique individuals. But the point is, the vast majority of American people are not on one of these lists. And as we get into a place a process to separate out the false positives because we now have these additional data elements, the number of people, particularly the number of Americans, who find themselves inconvenienced in terms of being designated as selectee or no-fly will become quite small.

One other fact I have to put in context: Not everybody who gets into secondary or selectee screening is necessarily on a selectee list or a no-fly list. Apart from being on the list, we also sometimes put people into selectee status because there's something about their behavior, something about their travel pattern. Sometimes we do it randomly as a way of assuring security. So you may find that you're not a selectee, you're not on a selectee list or you're not on a no-fly list, and you nevertheless get called aside for closer scrutiny, and that may be simply because of one of these other reasons: random checking, something about your travel pattern or behavior, or perhaps even an observation that a TSA officer sees when they're watching you.

The point of doing all this is to make it harder for people to commit acts of terror on airlines and make it safer for us to fly ourselves and to have our families fly.

Now, before I open it up for questions, let me deal with one last issue which has to do with the issue of privacy protections for secure flight. First, the data that's going to be transmitted will be encrypted and transmitted using secure systems. For the vast majority of passengers, this data will not be retained for more than seven days. A privacy impact assessment and a system of records notice provide detailed information for those interested about the programs privacy standards. And Secure Flight doesn't operate by giving you a numerical score or doing the kind of data mining where we look at a large number of behavior instances and try to predict whether you're a bad person. It's based on a process in which people are put on the list based on some specific intelligence about them.

I should also point out that not everybody that's in our terrorist databases is a no-fly or selectee. The no-fly and selectee lists are focused on people who are viewed as a potential threat to aviation security.

Finally, no system is perfect. That's true in the public sector. Modern experience tells us it's also true in the private sector. In fact, even the media is not perfect. So there will be people who get problems from time to time. We do have a redress system called TRIP, and Secure Flight will give us a better ability when we do correct a problem and give you a redress number to make sure that that is now operational whenever you fly, as opposed to what happens under the current system, where we give you redress but not every airline updates its databases to make sure they can do what they have to do.

Bottom line is Secure Flight will add another important layer of security to our airline system. It goes along with the development of better scanning equipment, the millimeter wave, the use of behavioral detection officers, as a way of looking for suspicious behavior. Just the other day, again, a TSA officer doing his duty discovered an incendiary device in luggage, and that has resulted in a criminal charge out in New York. So we are finding bad

things and we're keeping the American public safe from those bad things. We're going to continue to do this.

Finally, we've been testing Secure Flight on a voluntary basis over the past year, and we will begin the actually implementation of this early in 2009. So it will roll out over a period of time.

All right. With that, I'll be happy to take questions. Yes.

Question: (Inaudible.)

Secretary Chertoff: Because we're not going to be relying upon each airline being diligent and effective in making the comparison between the manifest name and the watch list name. We're going to have the quality control ourselves. We'll take the responsibility for making that comparison. And by the way, when we decrease the number of false positives, it actually avoids the need to spend valuable time screening people that don't need to be screened so we can focus on other important tasks that actually advance security. So it's kind of a win/win for efficient and for security.

Question: (Inaudible.)

Secretary Chertoff: Some are better than others. Some are more efficient than others.

Question: (Inaudible.)

Secretary Chertoff: Well, first of all, there's never zero risk in anything. I wouldn't say that any airline has failed to the point that we are concerned there's a serious risk, but there are variations in their performance. Some do a better job with name variations than others. So we're better off improving the quality across the system as opposed to having some unevenness in the performance among the different airlines.

Adminstrator Hawley: (Inaudible) lists to foreign airlines.

Secretary Chertoff: Another thing that -- yeah. Kip reminds me of another issue. There's been always some concern that when we send the list, particularly overseas to foreign airlines, we have less control over the security of the list. Again, by keeping the list ourselves now and simply getting the manifests, that'll give us better security over the information on the list.

Yes.

Question: (Inaudible.) airline varies as much (inaudible) are you worried that there will be a transition period of getting data (inaudible)?

Secretary Chertoff: No. I'll tell you why. The problem we've had with the airlines is when we send them the list and they have to make the comparison, and they may not update our list. By reversing the process, all the airlines have to do now is give us their manifest. I have a quite high degree of confidence that the airlines actually are good at maintaining their own manifest and their own various programs for tracking who their passengers are, because they build a whole business model around doing that with frequent flyers. So they've got a healthy economic incentive to get that job done right. And so what we're doing in a way is we're aligning the responsibilities so that they perform the task that they are -- have a strong incentive to perform, and we perform the task that we have a strong incentive to perform.

Yeah, Jeanne.

Question: (Inaudible.)

Secretary Chertoff: Right.

Question: (Inaudible.)

Secretary Chertoff: (Inaudible) other terrorists (inaudible).

Secretary Chertoff: Selectee -- no-fly is generally specific to aviation. Selectee are basically -- is somewhat broader. It's people who we have specific information are operational threats. It might not be specific to aviation, but its something operational. So I think we cover -- I should make sure I'm clear. We cover more than just the very narrow threat to aviation, and that's what no-fly is. Selectee covers operational circumstances.

Now of course, you know, it's a name-based system. So it only gets the known terrorists, not the unknown

terrorists. And that's why the watch list is only one layer of security. Behavioral detection is another layer of security, scanning is another layer of security, locked cockpit doors are a layer of security. So there's a lot of different layers.

Question: Another layer is Sky Marshals. Do you want to give us their numbers?

Secretary Chertoff: Nah, I think not. Sorry. (Laughter.)

Yes.

Question: (Inaudible.)

Secretary Chertoff: No. If we -- if we send -- if someone, particularly a no-fly -- if we say someone's a no-fly, the airline can't overrule it and, you know, if there's a question about whether it's the right person, that is going to have to get resolved with TSA. No-fly is kind of the hard-core of the list. But if you eliminate the false positives, we're talking about very few people.

Question: (Inaudible.)

Secretary Chertoff: Right.

Question: (Inaudible.)

Secretary Chertoff: Well, there's a Federal Security Director at every airport, so if there's a problem, if there's some issue that arises when someone gets told they're a no-fly, there's someone at the airport who has the authority to engage and address the problem.

I don't think it's a question of overruling it. If there turns out to be, for some reason, a mistake and someone is not really a no-fly, that can be correct. It's not that they have -- and that's about as far as I can go. We can address the issue and resolve it.

Yeah. Spencer.

Question: Can you talk about how many people (inaudible)?

Secretary Chertoff: We'll have to get you the numbers. I know that we -- I mean, I can't give you a total number of people who've been rejected as no-flys, but I get a report every day and, you know, not infrequently I see a person has been no-flyed and has been not allowed to come on a plane. Frankly, most of those actually occur overseas. We do get some of them here, as well. And then selectees are much more frequent.

In terms of the numbers that were in the redress, to the extent we can give you the numbers, I'll have to provide them afterwards.

Question: A follow-up: (inaudible).

Secretary Chertoff: All right. I'll give you some of the answers and then maybe after I'm done I'll ask Kip to give you some of the numbers.

Again, I can't give you the numbers, but I -- I can't project the numbers, but I can tell you that taking this on board, when we get that completed, should dramatically reduce the number of false positives, because the data elements allow us to really take most of the hay off the haystack. Now, I guess if you have the same name as a terrorist and the same date of birth, you know, that's going to be a lingering problem. And that's where we -- you know, the redress system would come into play. But that's a pretty unusual occurrence.

In terms of exactly what the start up is, I'll let Kip talk to that after I'm done taking questions. As far as the cost, there will be a cost involved in the airlines retooling their systems to send the data to us. And of course, we're also making some changes internationally in terms of our data systems. Once this is completed, though, there's going to be a cost saving in less hassle for the airlines at the counter, less hassle for the passengers, less reluctance on the part of people who have traditionally had problems to actually fly. So I think on balance it's going to be a positive from the economic standpoint. But I'll let Kip talk more specifically to the numbers, but if I can take one more question, let me do that first.

Yeah, sure. Tom.

Question: (Inaudible.)

Secretary Chertoff: Well, if you don't have the data, then I think you're at a -- if you don't provide the data, then you're going to put yourself in a position where you're probably going to be a selectee, at a minimum.

Thanks a lot.

Adminstrator Hawley: On the implementation time frame, the rule allows us to begin operating in January. We're ready now, technically, but the rule gives some permissions to the airlines to request and send the data to us starting in January. The rule also allows nine months of transition to -- until they are required to send us the Secure Flight information. So that's the implementation timeline.

I'd just say on the selectees and no-flys, that to give you some scope on that, the selectees are an every day occurrence. The no-flys, I would say, are at least an every month occurrence.

Question: (Inaudible.)

Sure.

Question: (Inaudible.)

Adminstrator Hawley: That says, what flight are you going to be on? So --

Question: (Inaudible.)

Adminstrator Hawley: Correct. And the data for anybody not close to a match is held for no more than seven days. So minimum amount of data collected, destroyed very quickly after it's used. One-time use.

Question: (Inaudible.)

Adminstrator Hawley: All right.

Question: (Inaudible.)

Adminstrator Hawley: No. They're set -- this is part of the privacy, which is send to TSA, send to the government only the data that the government needs to identify and stop somebody who should not be on a plane. So we need to know the name, the identifiers, and what flight we're talking about. That's it. They do not send us the entire manifest. They just send us the -- the limited amount of data that we use for matching. We make the match, or not the match, and then that data is held for logistics reasons for seven days and then destroyed.

Question: (Inaudible.)

Adminstrator Hawley: In order to get a boarding pass printed. So that would be the -- the trigger. So you're shopping for flights for a holiday, next July 4th, whatever it is. You make your reservation, fine. But you need to have the rest of the data in there in order for the airline to print the boarding pass.

Question: (Inaudible.)

Adminstrator Hawley: Put the other way, they have to be cleared against this process before they get on the plane.

Question: (Inaudible.)

Adminstrator Hawley: We're saying the identical thing.

Question: (Inaudible.)

Adminstrator Hawley: Thank you.

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